IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS :	Kelly SONDEREGGER et al.	CONFIRMATION NO.:	5143
SERIAL NUMBER :	09/821,040	EXAMINER:	Robert M. Pond
FILING DATE :	March 30, 2001	ART UNIT:	3625
FOR :	ANONYMOUS SHOPPING TRANSACTIONS ON A NETWORK THROUGH INFORMATION BROKER SERVICES		

Appellants' Brief on Appeal Under 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Notice of Appeal dated **June 30, 2008**, Appellants hereby submit this Appellants' Brief on Appeal pursuant to 37 C.F.R. § 41.37.

The Director is authorized to charge the fee for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20(b)(2), as well as any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 033975 (**Ref. No. 062070-0311750**).

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Appeal Brief Under 37 C.F.R. § 41.37

I. Real Party in Interest

By virtue of the assignment recorded at Reel 011671, Frame 0153, Novell, Inc., the assignee of the present application, is the real party in interest.

II. Related Appeals and Interferences

Appellants are not aware of any related appeals or interferences.

III. Status of Claims

Pending: Claims 1-4, 6-9, 21-22, and 24-28 are pending.

Cancelled: Claims 5, 10-20, and 23 are cancelled.

Rejected: Claims 1-4, 6-9, 21-22, 24-25, and 27-28 stand rejected.[1]

Allowed: No claims have been allowed.

On Appeal: Claims 1-4, 6-9, 21-22, and 24-28 are on appeal.

IV. Status of Amendments

On May 29, 2008, Appellants filed an After-Final Amendment in response to the Final Office Action mailed January 29, 2008 ("Final Action"). However, in the Advisory Action mailed June 19, 2008, the Examiner denied entry of the After-Final Amendment. Thus, the claims presented on appeal (and attached in **Appendix A**) correspond to those presented in Appellants' Response filed November 7, 2007.

V. Summary of Claimed Subject Matter

The following exemplary citations to the Specification and/or Drawings are not exclusive, as other supporting examples for the claimed subject matter exist. As such, the following citations should not be viewed as limiting.

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[1] Regarding claim 26, Appellants note that the Office Action Summary in the Final Action mailed January 29, 2008 identifies claim 26 as rejected, and that the Advisory Action mailed June 19, 2008 similarly identifies claim 26 as rejected. However, no grounds of rejection have been presented for claim 26 in either of the Final Action or the Advisory Action. As such, Appellants treat claim 26 as not being subject to the rejections appealed herein.

Independent Claim 1

According to various aspects of the invention, as recited in independent claim 1, for example, a method for initiating anonymous on-line transactions may comprise displaying an anonymous shopping toolbar in a browser. Appellants' Specification, page 9, lines 7-25.

In one implementation, the anonymous shopping toolbar may be associated with a credit card issuer and provide a user with an anonymous credit card option for the user to anonymously initiate an on-line transaction. Appellants' Specification, page 3, line 16 – page 4, line 7. In response to the user selecting the anonymous credit card option, a request for an anonymous credit card may be communicated to the credit card issuer. Appellants' Specification, page 4, lines 8-23. The anonymous credit card may then be received from the credit card issuer. Appellants' Specification, page 4, line 28 – page 5, line 2.

In one implementation, the anonymous credit card may have an anonymous transaction number that functions as a credit card number. Appellants' Specification, page 4, lines 24-28. In addition, the anonymous credit card may have an expiration date based on a month and a year in which the on-line transaction occurs. Appellants' Specification, page 5, lines 3-6. Among other things, these characteristics of the anonymous credit card allow the credit card issuer to issue about one trillion unique anonymous transaction numbers per month. Appellants' Specification, page 5, lines 7-10.

Once the user receives the anonymous credit card from the credit card issuer, the user can anonymously initiate the on-line transaction using the anonymous credit card. Appellants' Specification, page 10, lines 16-19. The credit card issuer links the anonymous transaction number to the user's real credit card account to which the user wants the on-line transaction charges to ultimately be debited. Appellants' Specification, page 4, lines 8-19.

Independent Claim 4

According to various aspects of the invention, as recited in independent claim 4, for example, a method for initiating anonymous on-line transactions may comprise displaying an anonymous shopping toolbar in a browser. Appellants' Specification, page 9, lines 7-25.

In one implementation, the anonymous shopping toolbar may be associated with a delivery service and provide a user with an anonymous delivery option for the user to anonymously initiate an on-line transaction. Appellants' Specification, page 6, lines 1-11. In response to the user selecting the anonymous delivery option, a request for an anonymous delivery address may be communicated to the delivery service. Appellants' Specification, page 6, lines 6-21. The anonymous delivery address may then be received from the delivery service. Appellants' Specification, page 6, lines 25-26.

In one implementation, the anonymous delivery address may be associated with the delivery service and have a routing code embedded therein. Appellants' Specification, page 6, lines 20-24. Once the user receives the anonymous delivery address from the delivery service, the user can anonymously initiate the on-line transaction using the anonymous delivery address. Appellants' Specification, page 10, lines 16-19. The delivery service may then receive a delivery at the anonymous delivery address in response to the on-line transaction and use the embedded routing code to route the delivery to the user's real delivery address. Appellants' Specification, page 6, line 28 – page 7, line 3.

Independent Claim 6

According to various aspects of the invention, as recited in independent claim 6, for example, a system for initiating anonymous on-line transactions may comprise a graphical user interface that displays an anonymous shopping toolbar in a browser. Appellants' Figure 2, elements 200, 202, 210.

In one implementation, the anonymous shopping toolbar may be associated with a credit card issuer and provide a user with an anonymous credit card option for the user to anonymously initiate an on-line transaction. Appellants' Specification, page 3, line 16 – page 4, line 7; Figure 2, element 212. In response to the user selecting the anonymous credit card option, a communications module may communicate a request for an anonymous credit card to the credit card issuer. Appellants' Specification, page 4, lines 8-23. The anonymous credit card may then be received from the credit card issuer via a receiving module. Appellants' Specification, page 4, line 28 – page 5, line 2.

In one implementation, the anonymous credit card may have an anonymous transaction number that functions as a credit card number. Appellants' Specification, page 4, lines 24-28. In addition, the anonymous credit card may have an expiration date based on a month and a year in which the on-line transaction occurs. Appellants' Specification, page 5, lines 3-6. Among other things, these characteristics of the anonymous credit card allow the credit card issuer to issue about one trillion unique anonymous transaction numbers per month. Appellants' Specification, page 5, lines 7-10.

Once the user receives the anonymous credit card from the credit card issuer, the user can anonymously initiate the on-line transaction using the anonymous credit card. Appellants' Specification, page 10, lines 16-19. The credit card issuer links the anonymous transaction number to the user's real credit card account to which the user wants the on-line transaction charges to ultimately be debited. Appellants' Specification, page 4, lines 8-19.

Independent Claim 9

According to various aspects of the invention, as recited in independent claim 9, for example, a system for initiating anonymous on-line transactions may comprise a graphical user interface that displays an anonymous shopping toolbar in a browser. Appellants' Figure 2, elements 200, 202, 210.

In one implementation, the anonymous shopping toolbar may be associated with a delivery service and provide a user with an anonymous delivery option for the user to anonymously initiate an on-line transaction. Appellants' Specification, page 6, lines 1-11; Figure 2, element 216. In response to the user selecting the anonymous delivery option, a communications module may communicate a request for an anonymous delivery address to the delivery service. Appellants' Specification, page 6, lines 6-21. The anonymous delivery address may then be received from the delivery service via a receiving module. Appellants' Specification, page 6, lines 25-26.

In one implementation, the anonymous delivery address may be associated with the delivery service and have a routing code embedded therein. Appellants' Specification, page 6, lines 20-24. Once the user receives the anonymous delivery address from the delivery service,

the user can anonymously initiate the on-line transaction using the anonymous delivery address. Appellants' Specification, page 10, lines 16-19. The delivery service may then receive a delivery at the anonymous delivery address in response to the on-line transaction and use the embedded routing code to route the delivery to the user's real delivery address. Appellants' Specification, page 6, line 28 – page 7, line 3.

Independent Claim 21

According to various aspects of the invention, as recited in independent claim 21, for example, a method for initiating anonymous on-line transactions may comprise displaying an anonymous shopping toolbar in a browser. Appellants' Specification, page 9, lines 7-25.

In one implementation, the anonymous shopping toolbar may provide a user with an anonymous credit card option and an anonymous delivery option for the user to anonymously initiate an on-line transaction. Appellants' Specification, page 3, line 16 – page 4, line 7; page 6, line 1-11. In response to the user selecting the anonymous credit card option, a request for an anonymous credit card may be communicated to a credit card issuer. Appellants' Specification, page 4, lines 8-23. Similarly, in response to the user selecting the anonymous delivery option, a request for an anonymous delivery address may be communicated to a delivery service. Appellants' Specification, page 6, lines 6-21.

In one implementation, the anonymous credit card may be received from the credit card issuer. Appellants' Specification, page 4, line 28 – page 5, line 2. The anonymous credit card may have an anonymous transaction number that functions as a credit card number. Appellants' Specification, page 4, lines 24-28. In addition, the anonymous credit card may have an expiration date based on a month and a year in which the on-line transaction occurs. Appellants' Specification, page 5, lines 3-6. Among other things, these characteristics of the anonymous credit card allow the credit card issuer to issue about one trillion unique anonymous transaction numbers per month. Appellants' Specification, page 5, lines 7-10. Furthermore, in one implementation, the anonymous credit card may have an alias that substitutes for the user's real name and a purchase limit based on an amount of the on-line transaction. Appellants' Specification, page 5, lines 3-6 and 16-28.

Once the user receives the anonymous credit card from the credit card issuer, the user can anonymously initiate the on-line transaction using the anonymous credit card. Appellants' Specification, page 10, lines 16-19. The credit card issuer links the anonymous transaction number to the user's real credit card account to which the user wants the on-line transaction charges to ultimately be debited. Appellants' Specification, page 4, lines 8-19.

In one implementation, the anonymous delivery address may then be received from the delivery service. Appellants' Specification, page 6, lines 25-26. The anonymous delivery address may be associated with the delivery service and have a routing code embedded therein. Appellants' Specification, page 6, lines 20-24.

Once the user receives the anonymous delivery address from the delivery service, the user can anonymously initiate the on-line transaction using the anonymous delivery address. Appellants' Specification, page 10, lines 16-19. The delivery service may then receive a delivery at the anonymous delivery address in response to the on-line transaction and use the embedded routing code to route the delivery to the user's real delivery address. Appellants' Specification, page 6, line 28 – page 7, line 3.

VI. Grounds of Rejection to be Reviewed on Appeal

(1) Claims 6-9 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Final Action, pages 2-3.

(2) Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements, such omission allegedly amounting to a gap between the elements. Final Action, page 3.

(3) Claims 1-2, 6-7, and 25 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by International Publication No. WO 99/49424 to Flitcroft et al. ("Flitcroft"). Final Action, pages 3-6.

(4) Claims 3-4, 8-9, 21-22, 24, and 27-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,636,833 to Flitcroft et al. ("Flitcroft") in view of International Publication No. WO 99/66428 to Zucker et al. ("Zucker") further in view of U.S. Patent No. 7,203,315 to Livesay ("Livesay"). Final Action, pages 6-12.

VII. Argument

A. *The Rejections Under 35 U.S.C. §§ 101 and 112 Should be Reversed Because the Claims are Directed to Statutory Subject Matter and Because the Claims do not Omit Essential Elements.*

The Examiner has rejected claims 6-9 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Examiner has also rejected claims 6-9 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements, such alleged omission allegedly amounting to a gap between the elements. Final Action, pages 2-3. These rejections are improper and should be reversed because the claims produce a "useful, concrete, and tangible result" and necessarily involve the use of a computing apparatus. Thus, the claims include all essential elements and are directed to statutory subject matter.

Specifically, in the context of the alleged rejection based on 35 U.S.C. § 101, the Examiner alleges that Appellants "are claiming a system defined merely by software or terms synonymous with software or files such as 'modules' or 'interface.' Examination was based on the assumption that structural specificity employing computer(s), input/output apparatus, computer-readable medium, as supported explicitly, implicitly or inherently by the instant specification." Final Action, page 3. Similarly, in the rejection based on 35 U.S.C. § 112, second paragraph, the Examiner alleges that Appellants have omitted "computing apparatus necessary to provide structural specificity to system claims." However, Appellants note that independent claim 6 does contain language that at least implicitly or inherently employs the use of computers, input/output apparatus, and other hardware elements, whereby the rejections based on each of §§ 101 and 112 are improper and should be reversed.

For example, independent claim 6 recites, among other things, "a graphical user interface that displays an anonymous shopping toolbar in a browser," which necessarily requires at least a display device or similar structure for the anonymous shopping toolbar to be displayed in the browser. *See, e.g.*, Appellant's Specification, page 8, line 26 – page 9, line 6 ("browser 202 enables the user to visit Internet sites and view the various . . . site features," which are necessarily displayed via a display device or similar structure). Furthermore, independent claim 6 also recites "a communications module operable to communicate"

information to an information broker, and "a receiving module operable to receive" information the information broker.

As described in Appellants' Specification, communication with the information broker occurs "over a secure communication link," which may comprise "a credit card authorization network, a secure satellite communication link, a secure telephone communication link, a secure computer network connection, or other secure communication link." Appellants' Specification, page 8, lines 7-13. In further examples, Appellants' Specification describes "communication between storage device 114 and the rest of system 100," such as "a hard drive storage system in communication with user 104, a database storage device in communication with anonymous shopping interface provider 108, or some other storage scheme." Appellants' Specification, page 8, lines 20-25.

Thus, independent claim 6 contains sufficient structural specificity to necessarily involve the use of computer apparatus and other hardware elements. Furthermore, dependent claims 7-9 contain sufficient structural specificity for at least the reason that they depend on independent claim 6. Accordingly, for at least the foregoing reasons, claims 6-9 are directed to statutory subject matter and do not omit any essential elements. The rejections based on 35 U.S.C. §§ 101 and 112 are therefore improper and should be reversed.

B. *The Rejection Under 35 U.S.C. § 102(b) Should be Reversed Because Flitcroft Fails to Disclose Each and Every Feature of the Claimed Invention.*

The Examiner has rejected claims 1-2, 6-7, and 25 under 35 U.S.C. § 102(b) as allegedly being anticipated by International Publication No. WO 99/49424 to Flitcroft et al. ("Flitcroft"). Final Action, pages 3-6. This rejection is improper and should be reversed for at least the reason that Flitcroft fails to disclose each and every feature of the claimed invention.

More particularly, Flitcroft does not disclose at least the feature of "receiving the anonymous credit card from the credit card issuer, the anonymous credit card having an anonymous transaction number that functions as a credit card number and an expiration date based on a month and a year in which the on-line transaction occurs," as recited in independent claim 1, for example. However, the Examiner alleges that "Flitcroft discloses a

range of over one trillion," which is alleged to be "[s]ufficient to address the claimed subject matter." Final Action, page 5. Appellants disagree with the Examiner's assessment.

Appellants note that the claimed invention expressly recites the characteristics of anonymous credit cards received from the credit card issuer. Specifically, the anonymous credit cards are recited as "having an anonymous transaction number that functions as a credit card number and an expiration date based on a month and a year in which the on-line transaction occurs." Because the anonymous credit cards are linked to the month and year in which the transaction occurs, "the credit card issuer can issue at least one trillion unique credit cards per month." Appellants' Specification, page 5. In contrast, the passages of Flitcroft that the Examiner relies upon specifically state that "the expiration date is virtually irrelevant," which creates a limit of "1,200 billion possible unique codes available for any given credit card provider." Flitcroft, page 23.

Although Flitcroft describes a system in which the quantity of anonymous credit card numbers may approximate one trillion "for any given credit card provider," which may "allow for a sufficiently large number of available card numbers," Flitcroft also acknowledges that "numbers will eventually need to be recycled for allocation . . . to ensure that the allocation process is performed from a range sufficiently large to maintain random allocation." Flitcroft, pages 23-24. In other words, because Flitcroft fails to disclose anonymous credit cards with "an expiration date based on a month and a year in which the on-line transaction occurs," the system in Flitcroft includes extensive "allocation requirements" designed to "achieve true computational independence between account numbers and limited-use cards." Flitcroft, pages 19-20.

Due to the aforementioned constraints, Flitcroft notes that "the range of available numbers reduces in size over time," meaning that "additional or recycled numbers should be added back into this range to ensure that the allocation process is performed from a range sufficiently large to maintain random allocation." Flitcroft, page 24. As indicated above, the claimed invention takes a different approach, wherein anonymous credit cards are assigned "an expiration date based on a month and a year in which the on-line transaction occurs." As such, the claimed invention provides a mechanism whereby the available pool of unique

anonymous credit cards will reset each and every month, substantially reducing (or eliminating) the need to track and recycle anonymous credit card numbers to ensure random allocation.

Furthermore, the claimed invention limits the period of time in which potential fraud may occur by constraining the expiration date of the anonymous credit cards to the month and year of issuance. Although Flitcroft describes the importance of fraud detection mechanisms, Flitcroft does not disclose placing constraints on the expiration date of the anonymous credit card numbers to reduce the likelihood of fraud. Rather, Flitcroft describes techniques such as waiting "a sufficiently long time" before reactivating a limited-use number or limiting "the number of single use numbers declared to be valid at any one time." Flitcroft, pages 17 and 22. Thus, Flitcroft does not disclose anonymous credit cards being given "an expiration date based on a month and a year in which the on-line transaction occurs," either as a mechanism for ensuring the continuing availability of a large number of anonymous credit cards or for limiting the period of time in which fraudulent usage of the anonymous credit cards may occur.

Accordingly, for at least the foregoing reasons, Flitcroft fails to disclose each and every feature of independent claim 1. The rejection is therefore improper and should be reversed.

Independent claim 6 includes features similar to those set forth in independent claim 1. Dependent claims 2, 7, and 25 depend from and add features to one of independent claims 1 and 6. Thus, the rejection of these claims is likewise improper and should be reversed for at least the same reasons.

C. *The Rejection Under § 103 Should be Reversed Because the References Relied Upon, Either Alone or in Combination, Fail to Disclose, Teach, or Suggest Each and Every Feature of the Claimed Invention.*

The Examiner has rejected claims 3-4, 8-9, 21-22, 24, and 27-28 under § 103, as allegedly being unpatentable over U.S. Patent No. 6,636,833 to Flitcroft et al. ("Flitcroft") in view of International Publication No. WO 99/66428 to Zucker et al. ("Zucker") further in view of U.S. Patent No. 7,203,315 to Livesay ("Livesay"). Final Action, pages 6-12. The rejection is improper and should be reversed because the Examiner has failed to establish a *prima facie*

case of obviousness, for at least the reason that the references relied upon, either alone or in combination, fail to disclose, teach, or suggest each and every feature of the claimed invention.

More particularly, for at least the reasons discussed above in Section VII.B,[2] Flitcroft does not disclose, teach, or suggest at least the feature of "receiving the anonymous credit card from the credit card issuer, the anonymous credit card having an anonymous transaction number that functions as a credit card number and an expiration date based on a month and a year in which the on-line transaction occurs," as recited in independent claim 1, for example. Zucker and Livesay each fail to cure at least this deficiency of Flitcroft.

Accordingly, for at least the foregoing reasons, Flitcroft, Zucker, and Livesay, either alone or in combination, fail to disclose, teach, or suggest each and every feature of independent claim 1. Independent claims 6 and 21 include features similar to those set forth in independent claim 1. Dependent claims 3, 8, 22, and 24 depend from and add features to one of independent claims 1, 6, and 21. Thus, the rejection of these claims is improper and should be reversed for at least the foregoing reasons.

Furthermore, none of Flitcroft, Zucker, and Livesay, either alone or in combination, disclose, teach, or suggest at least the feature of "receiving the anonymous delivery address from the delivery service, the anonymous delivery address associated with the delivery service and having a routing code embedded therein, wherein . . . the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address," as recited in independent claim 4, for example. Although the Examiner acknowledges that "Flitcroft does not mention *an anonymous delivery option*," the Examiner alleges that Zucker teaches that "a registered freight company picks up the package and delivers the package to the actual name and address of the buyer." Final Action, pages 7-8. Appellants disagree with the Examiner's assessment.

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[2] Appellants note that the Flitcroft reference used in the § 103 rejection is an International Publication, whereas the Flitcroft reference used in the § 102 rejection is the corresponding United States Patent. Although these are distinct publications, Appellants note that they contain the same substantive subject matter and that the Examiner has referred to these references interchangeably. *See, e.g.*, Final Action, page 6. Thus, the substantive discussion of Flitcroft in Section VII.B as it pertains to the § 102 is considered equally relevant to the rejection based on § 103.

In particular, independent claim 4 specifically recites that "the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction," and further that the delivery service "uses the embedded routing code to route the delivery to the user's real delivery address." On the other hand, Zucker indicates that "the freight company server 152 schedules the pickup from the seller," and "[a]fter the package has been picked up, the freight company delivers the package to the actual name and address of the buyer." Zucker, page 14. As such, Zucker clearly does not disclose, teach, or suggest that "the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction." Instead, to the extent that Zucker describes a delivery (or freight) service, the delivery (or freight) service picks the delivery up from the seller's address rather than receiving the delivery at an address associated with the delivery service. Thus, Zucker describes a system where the delivery service retrieves the package directly from the seller, meaning that Zucker does not disclose, teach, or suggest the delivery service receiving "a delivery at the anonymous delivery address," as recited in independent claim 4. For at least this reason, Zucker fails to cure at least the foregoing deficiency of Flitcroft that the Examiner has acknowledged to exist.

In addition, Zucker further fails to cure the deficiencies of Flitcroft because Zucker does not disclose, teach, or suggest that "the anonymous delivery address" is received from the delivery service," ***and*** that "the delivery service . . . uses the embedded routing code to route the delivery to the user's real delivery address." In fact, because Zucker describes the freight service retrieving the package directly from the seller's shipping site, Zucker does not even disclose, teach, or suggest an "anonymous delivery address." To the extent that Zucker even provides anonymity for a buyer's address, Zucker describes an arrangement where a first entity handles anonymity for the buyer's address (i.e., the third-party privacy server 100), while a second entity handles delivery to the buyer's address (i.e., the freight company 152). For at least this reason, Zucker further fails to cure the deficiency of Flitcroft with respect to the aforementioned feature of the claimed invention.

Appellants also note that Examiner's allegation that Livesay teaches "providing consumer anonymity for online transactions by providing the buyer an alias . . . shipping address." Final Action, page 10. However, as in Zucker, Livesay does not disclose, teach, or

suggest that one "delivery service" handles each of providing "the anonymous delivery address associated with the delivery service," receiving "a delivery at the anonymous delivery address in response to the on-line transaction," and using "the embedded routing code to route the delivery to the user's real delivery address." Instead, Livesay clearly states that "[a]ll communications between user machine and the web site operator machine may be directed through the intermediary machine," which provides "an address of a third party destination" as the "alias destination address." Livesay, col. 4, lines 14-26.

Livesay is therefore consistent in indicating that anonymous delivery requires cooperation between an intermediary and a third party. As such, Livesay does not disclose, teach, or suggest at least the feature of "receiving the anonymous delivery address from the delivery service," wherein the delivery service also "receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address," as recited in independent claim 4, for example. In contrast, Livesay describes, at best, an arrangement where an intermediary provides the anonymous delivery address, while a third-party handles eventual delivery to the buyer's real destination address. *See* Livesay, col. 11, line 1 – col. 13, 16. For at least this reason, Livesay also fails to cure the deficiency of both Flitcroft and Zucker with respect to the aforementioned feature of the claimed invention.

Accordingly, for at least the foregoing reasons, Flitcroft, Zucker, and Livesay, either alone or in combination, fail to disclose, teach, or suggest each and every feature of independent claim 4. In particular, the Examiner acknowledges that Flitcroft fails to disclose, teach, or suggest the feature discussed above, while Zucker and Livesay each fail to provide the equivalent level of delivery anonymity as provided in the claimed invention. For example, Zucker and Livesay each expose the buyer's real delivery information to more than one entity, whereas the claimed invention only exposes the buyer's real delivery information to one "delivery service" that handles all aspects of anonymous delivery. As such, for at least the foregoing reasons, the rejection is improper and should be reversed.

Appellants also note the Examiner's comments in the Advisory Action, wherein the Examiner alleges that Appellants "are making assumptions requiring quantitative data

pertaining [to] an entity's trustworthiness without support i.e. one is more trustworthy that [*sic*] two entities." Advisory Action, page 2. However, Appellants' position finds support in each of Zucker and Livesay, whereas the Examiner has failed to provide any support for asserting that anonymity is not compromised as the number of entities increases. In particular, each of Zucker and Livesay support Appellants' arguments that a system involving multiple entities is distinct from one where a single entity handles anonymous delivery.

For example, Zucker asserts that "the likelihood of maintaining one's privacy decreases as the square of the number of nodes in the network," and that the "privacy of the consumer is lost" when "suppliers and others can build up large databases of information." Zucker, page 2. Thus, Zucker notes the importance of only exposing a consumer's private information to a minimum number of entities "on a need-to-know basis." Zucker, page 2. Similarly, Livesay addresses the problem where disclosing "information to multiple online vendors . . . substantially increases the likelihood that such information will be misappropriated and lead to fraud, identity theft or other undesirable consequences." Livesay, col. 1, lines 27-34. Thus, Livesay seeks to provide a system where "users need not be required to disclose personal information to multiple web site operators." Livesay, col., 3, lines 26-33. Thus, Appellants' argument that multiple entities are generally less trustworthy than a single entity finds support in the references relied upon, notwithstanding the Examiner's allegations to the contrary.

Accordingly, for at least the foregoing reasons, Flitcroft, Zucker, and Livesay, either alone or in combination, fail to disclose, teach, or suggest each and every feature of independent claim 4. Independent claims 9 and 21 include features similar to those set forth in independent claim 4. Dependent claims 22 and 27-28 depend from and add features to one of independent claims 4 and 21. Thus, the rejection of these claims is improper and should be reversed for at least the foregoing reasons.

VIII. Claims Appendix

The pending claims (claims 1-4, 6-9, 21-22, and 24-28) are attached in **Appendix A.**

IX. Evidence Appendix

Appendix B: None.

X. Related Proceedings Appendix

Appendix C: None

Conclusion

For at least the foregoing reasons, Appellants respectfully submit that the claims are clear, definite, and allowable over the references relied upon by the Examiner. Therefore, reversal of the rejections is respectfully requested.

Date: **September 2, 2008**

Respectfully submitted,

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Appendix A: Claims Appendix

1. **(Previously Presented)** A method for initiating anonymous on-line transactions, the method comprising:

displaying an anonymous shopping toolbar in a browser, the anonymous shopping toolbar associated with a credit card issuer and providing a user with an anonymous credit card option for the user to anonymously initiate an on-line transaction;

communicating, to the credit card issuer, a request for an anonymous credit card, the request communicated in response to the user selecting the anonymous credit card option; and

receiving the anonymous credit card from the credit card issuer, the anonymous credit card having an anonymous transaction number that functions as a credit card number and an expiration date based on a month and a year in which the on-line transaction occurs, whereby the credit card issuer can issue about one trillion unique anonymous transaction numbers per month, wherein the user can anonymously initiate the on-line transaction using the anonymous credit card, and wherein the credit card issuer links the anonymous transaction number to the user's real credit card account.

2. **(Previously Presented)** The method of claim 1, the anonymous credit card available for a single use and having a purchase limit based on an amount of the on-line transaction.

3. **(Previously Presented)** The method of claim 1, the anonymous credit card further including an alias that substitutes for the user's real name.

4. **(Previously Presented)** A method for initiating anonymous on-line transactions, the method comprising:

displaying an anonymous shopping toolbar in a browser, the anonymous shopping toolbar associated with a delivery service and providing a user with an anonymous delivery option for the user to anonymously initiate an on-line transaction;

communicating, to the delivery service, a request for an anonymous delivery address, the request communicated in response to the user selecting the anonymous delivery option; and

receiving the anonymous delivery address from the delivery service, the anonymous delivery address associated with the delivery service and having a routing code embedded therein, wherein the user can anonymously initiate the on-line transaction using the anonymous delivery address, and wherein the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address.

5. **(Cancelled)**

6. **(Previously Presented)** A system for initiating anonymous on-line transactions, the system comprising:

a graphical user interface that displays an anonymous shopping toolbar in a browser, the anonymous shopping toolbar associated with a credit card issuer and providing a user with an anonymous credit card option for the user to anonymously initiate an on-line transaction;

a communications module operable to communicate, to the credit card issuer, a request for anonymous credit card, the request communicated in response to the user selecting the anonymous credit card option; and

a receiving module operable to receive the anonymous credit card from the credit card issuer, the anonymous credit card having an anonymous transaction number that functions as a credit card number and an expiration date based on a month and a year in which the on-line transaction occurs, whereby the credit card issuer can issue about one trillion unique anonymous transaction numbers per month, wherein the user can anonymously initiate the on-line transaction using the anonymous credit card, and wherein the credit card issuer links the anonymous transaction number to the user's real credit card account.

7. **(Previously Presented)** The system of claim 6, the anonymous credit card available for a single use and having a purchase limit based on an amount of the on-line transaction.

8. **(Previously Presented)** The system of claim 6, the anonymous credit card further including an alias that substitutes for the user's real name.

9. **(Previously Presented)** A system for initiating anonymous on-line transactions, the system comprising:

a graphical user interface that displays an anonymous shopping toolbar in a browser, the anonymous shopping toolbar associated with a delivery service and providing a user with an anonymous delivery option for the user to anonymously initiate an on-line transaction;

a communications module operable to communicate, to the delivery service, a request for an anonymous delivery address, the request communicated in response to the user selecting the anonymous delivery option; and

a receiving module operable to receive the anonymous delivery address from the delivery service, the anonymous delivery address associated with the delivery service and having a routing code embedded therein, wherein the user can anonymously initiate the on-line transaction using the anonymous delivery address, and wherein the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address.

10-20. **(Cancelled)**

21. **(Previously Presented)** A method for initiating anonymous on-line transactions, the method comprising:

displaying an anonymous shopping toolbar in a browser, the anonymous shopping toolbar providing a user with an anonymous credit card option and an anonymous delivery option for the user to anonymously initiate an on-line transaction;

communicating, to a credit card issuer, a request for an anonymous credit card, the request for the anonymous credit card communicated in response to the user selecting the anonymous credit card option;

communicating, to a delivery service, a request for an anonymous delivery address, the request for the anonymous delivery address communicated in response to the user selecting the anonymous delivery option;

receiving the anonymous credit card from the credit card issuer, the anonymous credit card having an anonymous transaction number that functions as a credit card number, an expiration date based on a month and a year in which the on-line transaction occurs, an alias that substitutes for the user's real name, and a purchase limit based on an amount of the on-line transaction, whereby the credit card issuer can issue about one trillion unique anonymous transaction numbers per month, wherein the user can anonymously initiate the on-line transaction using the anonymous credit card, and wherein the credit card issuer links the anonymous transaction number to the user's real credit card account;

receiving the anonymous delivery address from the delivery service, the anonymous delivery address associated with the delivery service and having a routing code embedded therein, wherein the user can anonymously initiate the on-line transaction using the anonymous delivery address, and wherein the delivery service receives a delivery at the anonymous delivery address in response to the on-line transaction and uses the embedded routing code to route the delivery to the user's real delivery address.

22. **(Previously Presented)** The method of claim 21, wherein a single entity acts as the credit card issuer and the delivery service.

23. **(Cancelled)**

24. **(Previously Presented)** The method of claim 2, wherein the request communicated to the credit card issuer includes the amount of the on-line transaction, information associated with the user's real credit card account, and an alias to be substituted for the user's real name.

25. (**Previously Presented**) The method of claim 1, the anonymous transaction number including sixteen digits to function as the credit card number, wherein a first four digits of the anonymous transaction number identify the credit card issuer, whereby the credit card issuer can issue the one trillion unique anonymous transaction numbers per month.

26. (**Previously Presented**) The method of claim 25, wherein the credit card issuer uses a first four digits of the user's real credit card account as the first four digits of the anonymous transaction number when the one trillion unique anonymous transaction numbers have already been generated in the month in which the on-line transaction occurs, whereby the credit card issuer can issue an additional one trillion unique anonymous transaction numbers.

27. (**Previously Presented**) The method of claim 4, the anonymous delivery address associated with a hub station for the delivery service.

28. (**Previously Presented**) The method of claim 4, wherein the request communicated to the delivery service includes the user's real address and information for billing the user.

Appendix B: Evidence Appendix

None.

Appendix C: Related Proceedings Appendix

None.